

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010100301  
**(Primary)**

PARENT ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010090697

ORDER GRANTING MOTION TO  
AMEND COMPLAINT AND  
CONSOLIDATE

On September 13, 2010, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2010090697 (First Case) against the Bonita Unified School District (District). On October 5, 2010, Student filed a Request for Due Process Hearing in OAH case number 2010100301 (Second Case) against the District. On October 28, 2010, OAH issued an order consolidating both cases and vacating and resetting all dates. On December 28, 2010, Student filed an amended Request for Due Process Hearing in Second Case (amended complaint). The amendment will be considered a motion to amend and to consolidate. No opposition was received from District. As discussed below, the motion to amend and consolidate is granted.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

The amended complaint, which expands on the issues raised in the original complaint in Second Case, is timely and is granted. First Case and Second Case shall remain consolidated based upon the common questions of law or fact stated in each matter. The amended complaint shall be deemed filed on the date of this order. All dates shall be vacated and applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: January 7, 2011

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings